

ORDINANCE NO. 4160
File No. 1462-268-2010

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CHANGE OF ZONING FROM PLANNED DEVELOPMENT – TOWNHOMES AND LIGHT COMMERCIAL TO PLANNED DEVELOPMENT - TRADITIONAL NEIGHBORHOOD MIXED RESIDENTIAL ON PROPERTY LOCATED AT 1500 GROSS ROAD SUBJECT TO CERTAIN STIPULATIONS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the Planning and Zoning Commission of the City of Mesquite and the governing body of the City of Mesquite, in compliance with the Charter of the City of Mesquite and State laws with reference to granting of zoning changes under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to the persons interested and situated in the area, the City of Mesquite is of the opinion that the change of zoning may be granted herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the Mesquite Zoning Ordinance adopted on September 4, 1973, and recodified on November 21, 1988, be and the same is hereby amended by amending the Zoning Map of the City of Mesquite so as to approve a change of zoning from Planned Development – Townhomes and Light Commercial to Planned Development - Traditional Neighborhood Mixed Residential with the following stipulations:

1. Permitted Uses: Uses permitted in the Traditional Neighborhood Mixed Residential (TNMR) district shall be allowed with the following limitations:
 - a. All TNMR uses shall be permitted in the area of the Planned Development (PD) within 300 feet of the U.S. Highway 80 right-of-way.
 - b. Only the following residential types shall be permitted in the area of the PD greater than 300 feet from the U.S. Highway 80 right-of-way:
 - i. Townhomes
 - ii. Duplexes
 - iii. Single-Family Residences
 - iv. Accessory Dwellings

2. Height Limitation – Within 300 feet of the U.S. Highway 80 right-of-way, there shall be no height limitation. The remainder of the PD shall be limited to a maximum height of two stories.

That the subject property is two undeveloped tracts comprising 31.973 acres located at 1500 Gross Road and is more fully described in the approved field notes in Exhibit "A" attached hereto.

SECTION 2. That the property described in Section 1 of this ordinance shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance.

SECTION 3. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite including Ordinance No. 3042 codified in Chapter 11 of the Mesquite City Code, all of which shall be administered consistent with the requirements of the TNMR District, the Zoning Ordinance and successor ordinances.

SECTION 4. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.

SECTION 5. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense.

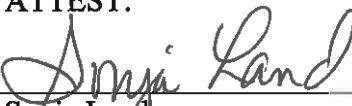
SECTION 7. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 20th day of June, 2011.




John Monaco
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney

EXHIBIT: "A"

Being a tract of land situated in the Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas and being all of a 28.686 acre tract as described in deed to the First National Bank of Waco, Texas, as recorded in Volume 76221, Page 1606 of the Deed Records of Dallas County, Texas, and being all of a 3.484 acre tract of land as described in deed to Donald E. Howard as recorded in Volume 72220, Page 1344 of the Deed Records of Dallas County, Texas and also being all of a 43.314 acre tract of land as described in deed to HWC Realty, Co. as recorded in Volume 75091, Page 1110 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a Texas Highway Department right-of-way marker found for a corner at the intersection of a corner clip in the east right-of-way line of Jane Street (40 feet wide) and the southeasterly right-of-way line of U.S. Highway 80:

THENCE along the southeasterly line of U.S. Highway 80 to the following:

N 40 degrees 28'57" E, 28.94 feet to a 1/2" iron rod found, said point also being in circular curve to the right and having a radius which bears S 09 degrees 15'57" W, 1889.86 feet;

Southerly along said circular curve to the right, through a central angle of 15 degrees 25'01", an arc distance of 506.51 feet, and having a chord which bears S 73 degrees 01'32" E, 506.38 feet to a concrete right-of-way marker found;

S 15 degrees 28'39" E, 100.64 feet to a concrete right-of-way marker found;

S 73 degrees 05'80" E, 185.00 feet to a 3/4" iron pipe set;

S 53 degrees 28'20" E, 315.00 feet to a concrete right-of-way marker found;

S 47 degrees 15'23" E, 191.54 feet to a concrete right-of-way marker found;

S 24 degrees 25'08" E, 445.01 feet to a concrete right-of-way marker found;

S 14 degrees 18'10" E, 264.32 feet to a concrete right-of-way marker found;

S 03 degrees 18'08" E, 174.66 feet to a 1/2" iron rod found;

S 03 degrees 22'52" E, 386.15 feet to a concrete right-of-way marker found;

S 86 degrees 28'54" E, 74.69 feet to a concrete right-of-way marker found;

S 01 degrees 54'25" E, 446.62 feet to a 1/2" iron rod found;

S 14 degrees 53'30" W 261.37 feet to a 3/4" iron pipe set;

S 21 degrees 08'14" E, 166.66 feet to a fence post found;

S 05 degrees 53'48" E, 291.46 feet to a concrete right-of-way marker found;

S 49 degrees 32'01" W, 441.10 feet to a fence post found in the north right-of-way line of Gross Road (120 feet wide);

THENCE N 43 degrees 34'40" W, along the north line of Gross Road, 1682.61 feet to a 1/2" iron rod found in the east right-of-way line of Jane Street (40 feet wide);

THENCE N 03 degrees 43'40" E, along the east right-of-way line of Jane Street, 832.51 feet to a 3/4" iron pipe set;

THENCE N 02 degrees 35'44" W, continuing along the east line of Jane Street, 1202.28 feet to the POINT OF BEGINNING;

LESS all of Oakbrook Addition, Block A, Lots 2, 3R, 4 and 5, Block B, Lots 1, 2, 3R and 4R, and Mesquite Animal Shelter Addition, Block 1, Lot 1 and containing 31.973 acres of land more or less.